

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ERIC A. QUALLS,
Plaintiff,

v.

FRED W. CROW, III, *et al.*,
Defendants.

Case No. 2:23-cv-3889

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth P. Deavers

ORDER

This matter is before the Court on Plaintiff Eric A. Qualls's Motion for Leave to Appeal *in forma pauperis* (ECF No. 13) and Plaintiff's Motion for Certificate of Appealability (ECF No. 14). This Court dismissed all Mr. Qualls's claims against Defendants (ECF No. 10) after considering the Magistrate Judge's Order and Report and Recommendation (ECF No. 6), recommending dismissal, and Mr. Qualls's objections to that Report and Recommendation (ECF No. 8). In the same Order, this Court certified, pursuant to 28 U.S.C. § 1915(a)(3), "that any appeal of this Order would not be taken in good faith, and Plaintiff is therefore denied leave to appeal *in forma pauperis*." (ECF No. 10, PageID 89.) Accordingly, Mr. Qualls's Motion for Leave to Appeal *in forma pauperis* is **DENIED**. (ECF No. 13.)

Mr. Qualls moves for a Certificate of Appealability under 28 U.S.C. § 2253. (ECF No. 14, PageID 102.) But that Section only applies in "a habeas corpus proceeding or a proceeding under section 2255." 28 U.S.C. § 2253(a). Here, Mr. Qualls's claims were brought under 42 U.S.C. § 1983. Accordingly, Mr. Qualls's Motion for Certificate of Appealability (ECF No. 14) is **DENIED**.

IT IS SO ORDERED.

11/25/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE